

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 524, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 6-1.1-24-1.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) This section
4 applies to ~~a county having a consolidated city~~ **all counties**.
5 **(b) As used in this section, "commission" means the following:**
6 **(1) The metropolitan development commission in a county**
7 **containing a consolidated city.**
8 **(2) The county executive or the county executive's designee in**
9 **a county not containing a consolidated city.**
10 ~~(b)~~ **(c)** The metropolitan development commission shall designate
11 the real property on the list prepared under section 4.5(b) of this chapter
12 that is eligible for listing on the list prepared under subsection ~~(d)~~ **(e)**.
13 ~~(c)~~ **(d)** The commission may designate real property for inclusion on
14 the list if the commission finds that the real property:
15 (1) is an unsafe premises as determined under IC 36-7-9 and is
16 subject to:
17 (A) an order issued under IC 36-7-9; ~~or~~
18 (B) a notice of violation issued by the county's health and
19 hospital corporation under IC 16-22-8 **in a county containing**
20 **a consolidated city; or**

1 **(C) a notice of violation issued by the county health**
 2 **department in a county not containing a consolidated city;**

3 (2) is not being used as a residence or for a business enterprise;
 4 and

5 (3) is suitable for rehabilitation or development that will benefit
 6 or serve low or moderate income families.

7 ~~(d)~~ **(e)** The commission shall prepare a list of properties designated
 8 under subsection ~~(b)~~ **(c)** and certify the list to the county auditor no later
 9 than sixty-one (61) days prior to the earliest date on which application
 10 for judgment and order for sale may be made.

11 ~~(e)~~ **(f)** Upon receiving the list described in subsection ~~(d)~~; **(e)**, the
 12 county auditor shall:

13 (1) prepare a list of the properties certified by the commission;
 14 and

15 (2) delete any property described in that list from the delinquent
 16 tax list prepared under section 1 of this chapter.

17 ~~(f)~~ **(g)** If the county auditor receives an owner's affidavit under
 18 section 4.1 of this chapter, the auditor shall, upon determining that the
 19 information contained in the affidavit is correct, remove the property
 20 from the list prepared under subsection ~~(e)~~ **(f)** and restore the property
 21 to the list prepared under section 1 of this chapter.

22 SECTION 2. IC 6-1.1-24-2.2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.2. (a) This section
 24 applies to ~~a county having a consolidated city~~; **all counties**.

25 (b) Whenever a notice required under section 2 of this chapter
 26 includes real property on the list prepared under ~~section 1.5(e)~~ **section**
 27 **1.5(f)** of this chapter, the notice must also contain a statement that:

28 (1) the property is on the alternate list prepared under ~~section~~
 29 ~~1.5(e)~~ **section 1.5(f)** of this chapter;

30 (2) the owner of the property may file an affidavit with the county
 31 auditor no later than twenty (20) days following the date of the
 32 notice indicating that the residential structure located on the
 33 property is:

34 (A) habitable under state law and any ordinance of the political
 35 subdivision where the property is located; and

36 (B) has been occupied as a permanent residence for the six (6)
 37 month period preceding the date of the notice;

38 (3) if the auditor determines that the statements made in the

affidavit are correct, the auditor will remove the property from the list prepared under ~~section 1.5(e)~~ **section 1.5(f)** of this chapter and restore the parcel to the delinquent tax list prepared under section 1 of this chapter;

(4) if the property is not redeemed within one hundred twenty (120) days after the date of sale the county auditor shall execute and deliver a deed for the property to the purchaser or purchaser's assignee; and

(5) if the property is offered for sale and a bid is not received for at least the amount required under section 5 of this chapter, the county auditor may execute and deliver a deed for the property to the purchasing agency under IC 36-7-17, subject to IC 6-1.1-25.

SECTION 3. IC 6-1.1-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail to:

- (1) the owner of record of real property with a single owner; or
- (2) to at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section 2(a)(4) of this chapter. The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address required by this section.

(b) ~~This subsection applies to a county having a consolidated city.~~ In addition to the notice required under subsection (a) for real property on the list prepared under ~~section 1.5(e)~~ **section 1.5(f)** of this chapter,

the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than August 15 in the year in which the property is to be sold under this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 4. IC 6-1.1-24-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section applies to ~~a county having a consolidated city~~ **all counties**.

(b) The owner of real property placed on the list prepared by the county auditor under ~~section 1.5(e)~~ **section 1.5(f)** of this chapter may file an affidavit with the county auditor no later than twenty (20) days after the date of the notice. The affidavit must state under affirmation that the residential structure located on the property:

(1) is habitable under state law and any ordinance of the political subdivision where the property is located; and

(2) has been occupied as a permanent residence for the six (6) month period preceding receipt of the notice.

(c) The county auditor may conduct a hearing to determine the accuracy of the statements made in the affidavit.

(d) If the county auditor determines that the statements made in the affidavit filed under subsection (b) are correct, the auditor shall remove the property from the list prepared under ~~section 1.5(e)~~ **section 1.5(f)** of this chapter and restore the property to the delinquent tax list prepared under section 1 of this chapter.

SECTION 5. IC 6-1.1-24-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) The county auditor shall also provide those agencies under IC 36-7-17, in that county, with a list of tracts or items of real property on which one (1) or more installments of taxes is delinquent by June 15 of the year following the date the delinquency occurred.

(b) ~~This subsection applies to a county having a consolidated city.~~ The county auditor shall prepare a list of tracts or items of real properties for which at least one (1) installment of taxes is delinquent at least ten (10) months. The auditor shall submit a copy of this list to the ~~metropolitan development~~ commission **(as defined in section 1.5 of this chapter)** no later than one hundred six (106) days prior to the date on which application for judgment and order for sale is made.

SECTION 6. IC 6-1.1-24-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.3. (a) This section applies to the following:

(1) A person who, **in the county in which a sale is held under this chapter**, owes:

(A) delinquent taxes;

(B) special assessments;

(C) penalties;

(D) interest; ~~or~~

(E) costs directly attributable to a prior tax sale;

(F) **amounts from a final adjudication in favor of a political subdivision related to property;**

(G) **any civil penalties imposed for the violation of a building code or ordinance; or**

(H) **civil penalties imposed by a local health department related to property;**

on a tract ~~or an item~~ of real property listed under section 1 of this chapter.

(2) **A person to whom an order has been issued under IC 36-7-9.**

~~(2)~~ (3) A person who is an agent of the person described in subdivision (1) **or (2).**

(b) A person subject to this section may not purchase a tract offered for sale under section 5 or 5.5 of this chapter.

(c) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is void. The county treasurer shall apply the amount of the person's bid to the person's delinquent taxes, **special assessments, penalties, interest, amounts owed from final adjudication in favor of a political subdivision, and civil penalties**, and offer the real property for sale again under this chapter."

Page 2, delete lines 1 through 11.

Page 3, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-24-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) This section applies to ~~a county having a consolidated city~~ **all counties**.

(b) Whenever real property on the list prepared under section 1.5 of this chapter:

(1) is offered for sale under this chapter; and

(2) does not receive a bid for at least the amount required under section 5 of this chapter;

the auditor shall notify the ~~metropolitan development~~ commission (**as defined in section 1.5 of this chapter**) that the real property has been offered for sale under this chapter and that an adequate bid has not been received.

(c) The ~~metropolitan development~~ commission shall, within a reasonable time after receiving notice under subsection (b), identify any property described under subsection (b) that the ~~metropolitan development~~ commission desires to acquire for urban homesteading under IC 36-7-17 or redevelopment purposes under **IC 36-7-14 or** IC 36-7-15.1. The ~~metropolitan development~~ commission shall then provide the county auditor with a list of the properties identified under this subsection.

(d) The county auditor shall execute and deliver a deed for any property identified under subsection (c) to the ~~metropolitan development~~ commission, subject to IC 6-1.1-25. Properties identified under subsection (c) but not acquired by the ~~metropolitan development~~ commission shall be restored to the delinquent list prepared under section 1 of this chapter.

(e) The county acquires a lien under section 6 of this chapter for any property that is:

(1) not identified under subsection (c); and

(2) offered for sale under this chapter for two (2) consecutive sales.

(f) The ~~metropolitan development~~ commission may not pay for any property acquired under subsection (d). However, a taxing unit having an interest in the taxes on the real property shall be credited with the full amount of the delinquent tax due to that unit."

Page 4, delete lines 1 through 6.

Page 5, line 4, delete "under this" and insert ",."

Page 5, line 5, delete "section,".

Page 5, line 5, delete "enter the property at a reasonable time".

Page 5, line 6, delete "to".

Page 5, delete lines 8 through 11, begin a new line block indented and insert:

"(2) Perform any repair necessary to satisfy an order issued

1 **under IC 36-7-9."**

2 Page 5, line 13, delete "enters the property under subsection (d) or".

3 Page 6, between lines 22 and 23, begin a new paragraph and insert:

4 "SECTION 11. IC 6-1.1-25-7.5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) This section
6 applies to ~~a county having a consolidated city~~ **all counties**.

7 (b) The county auditor shall provide the ~~metropolitan development~~
8 commission **(as defined in IC 6-1.1-24-1.5)** with a list of real property:

9 (1) included on the list prepared under IC 6-1.1-24-1.5;

10 (2) for which a certificate of sale has been issued; and

11 (3) for which the holder of the certificate has not requested the
12 county auditor to execute and deliver a deed.

13 (c) The ~~metropolitan development~~ commission shall, within a
14 reasonable time after receiving a list under subsection (b), identify any
15 property described under subsection (b) that the ~~metropolitan~~
16 ~~development~~ commission desires to acquire for urban homesteading
17 under IC 36-7-17 or redevelopment purposes under **IC 36-7-14 or**
18 IC 36-7-15.1. The ~~metropolitan development~~ commission shall then
19 provide the county auditor with a list of the properties identified under
20 this subsection.

21 (d) The county auditor shall execute and deliver a deed for any
22 property identified under subsection (c) to the ~~metropolitan~~
23 ~~development~~ commission.

24 (e) The county auditor shall execute and deliver a deed to the county
25 for any property:

26 (1) included in the notice prepared under subsection (b); and

27 (2) not identified under subsection (c).

28 (f) The ~~metropolitan development~~ commission and the county may
29 not pay for any property acquired under subsection (d) or (e). However,
30 a taxing unit having an interest in the taxes on the real property shall be
31 credited with the full amount of the delinquent tax due to that unit."

32 Page 7, line 26, delete ", manager,".

33 Page 8, line 12, delete "following:" and insert "**full cost to either:**

34 **(1) rehabilitate; or**

35 **(2) demolish;**

36 **real property improvements, including the costs of construction,**
37 **demolition, fees, investigations, and legal and marketing expenses.**

38 **The appraiser must determine what the market value will be for**

1 **the reused property after the rehabilitation or demolition, taking**
 2 **into account the market conditions particular to the neighborhood**
 3 **or subarea of the municipality in which the property is located."**

4 Page 8, delete lines 13 through 18.

5 Page 9, line 16, delete "following:" and insert "**full cost to either:**

6 **(1) rehabilitate; or**

7 **(2) demolish;**

8 **real property improvements, including the costs of construction,**
 9 **demolition, fees, investigations, and legal and marketing expenses.**

10 **The appraiser must determine what the market value will be for**
 11 **the reused property after the rehabilitation or demolition, taking**
 12 **into account the market conditions particular to the neighborhood**
 13 **or subarea of the municipality in which the property is located."**

14 Page 9, delete lines 17 through 22.

15 Page 11, line 23, delete "following:" and insert "**full cost to either:**

16 **(1) rehabilitate; or**

17 **(2) demolish;**

18 **real property improvements, including the costs of construction,**
 19 **demolition, fees, investigations, and legal and marketing expenses.**

20 **The appraiser must determine what the market value will be for**
 21 **the reused property after the rehabilitation or demolition, taking**
 22 **into account the market conditions particular to the neighborhood**

- 1 **or subarea of the municipality in which the property is located."**
- 2 Page 11, delete lines 24 through 29.
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 524 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Riegsecker

Chairperson